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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,711	08/09/2001	Ahmad K. Al-Amin	TRW(VSSIM)5574	4802

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EXAMINER

BOTTORFF, CHRISTOPHER

ART UNIT PAPER NUMBER

3618

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/925,711

Applicant(s)

AL-AMIN, AHMAD K.

Examiner

Christopher Bottorff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13, 14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 13, 14, and 16 is/are allowed.
- 6) ☒ Claim(s) 17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The amendment filed January 15, 2004 has been entered. Claims 1-10, 13, 14, and 16-18 are pending.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "the support portion of the initiator" in lines 25-26. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by Fink US 6,029,995.

Fink discloses an inflator having a container, defined by the walls of chamber 15, which stores inflation fluid 16 under pressure. See Figure 1 and column 2, lines 26-28. The container includes an opening 46 through which inflation fluid flows from the container in a given direction. A rupturable closure member 48 is fixed to the container and blocks the flow of inflation fluid through the opening. An initiator 80 is provided that is capable of rupturing the closure member so inflation fluid may flow from the container. See Figure 4. A retainer 24 retains the initiator on the container and includes a part having a passage 70 that directs gas flowing from the container in the given direction and toward an outlet of the inflator. The gas flowing from the container passes through passage 70 and then passes through the outlet of the retainer. See Figure 2. The retainer includes a portion 146 that may be crimped to retain the initiator in the retainer. See column 3, lines 60-65. A support 84 supports the rupturable closure member and transmits force from the closure member to the retainer, wherein the rupturable closure member has a first portion deformed into engagement with the support by the pressure of the inflation fluid in the container. See column 3, line 66, through column 4, line 15. The support 84 forms a first retainer part and contacts a portion of the initiator at a location adjacent to material 88. The crimped portion 146 of the retainer, which serves as a second retainer part, holds the support 84 against the retainer 24 by exerting pressure on flange 112. The crimped portion 146 is also positioned relative to the first retainer part formed by support 84 to clamp a support portion of the initiator (defined by the structure of initiator 80 accommodating electrodes 90) between the support 84 and the crimped portion 146. See Figures 4 and 1.

Claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by Campbell et al. US 6,412,811.

Campbell et al. discloses an inflator having a container, defined by the walls of chamber 50, which stores inflation fluid under pressure. The container includes an opening through which inflation fluid flows from the container in a given direction. A rupturable closure member 92 is fixed to the container and blocks the flow of inflation fluid through the opening. An initiator 98 is provided that is capable of rupturing the closure member so inflation fluid may flow from the container. A retainer 34 retains the initiator on the container and includes a part having a passage 76 that directs gas flowing from the container in the given direction. The retainer includes a portion 106 that may be crimped to retain the initiator in the retainer. Also, a support 100 supports the rupturable closure member and transmits force from the closure member to the retainer, wherein the rupturable closure member has a first portion deformed into engagement with the support by the pressure of the inflation fluid in the container. The support contacts a portion of the initiator and the crimped portion of the retainer holds the support against the retainer at flange 102. See Figures 2 and 3.

***Allowable Subject Matter***

Claims 1-10, 13, 14, and 16 are allowed. Claim 1 defines first and second container parts that cooperate to clamp the initiator in position on the container and that both define a fluid outlet through which inflation fluid flows from the opening. Claim 16

defines a deformable covering on the support portion of the initiator. Claim 10 defines the gas that flows through the opening in the container, the passage of the retainer, and the outlet of the inflator as flowing in the same direction, and that direction is parallel to the longitudinal axis of the passage. Claim 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Claim 17 is similar to claim 16 and defines a deformable covering on the support portion of the initiator. These features, in combination with the further limitations of the claims, distinguish the claimed invention over the prior art.

### ***Response to Arguments***

Applicant's arguments filed January 15, 2004 regarding the finality of the rejection of claim 18 are persuasive, and this office action is not final. However, Applicant's arguments regarding the merits of the rejection of claim 18 are not persuasive.

Applicant asserts that Campbell et al. does not teach or suggest that the support contacts a portion of the initiator and the crimped portion of the retainer holding the support against the retainer. In particular, Applicant asserts that the crimped portion 106 is spaced from the support 100. However, support 100 does contact a portion of initiator 98 and crimped portion 106 at flange 102. The portion characterized as crimped portion 106 includes the entire projection that extends from end surface 72. See Figures 3 and 4. Although the end of portion 106 that is adjacent pins 101 is

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spaced from support 100, the end of portion 106 adjacent surface 72 contacts support 100 at flange 102. Thus, Campbell et al. discloses the invention defined by cam 18.

Furthermore, claim 18 remains rejected in view of Fink, and Applicant has not contested this rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (703) 308-2183. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Christopher Bottorff